

Message Text

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PAGE 01 SOFIA 02678 201341Z
ACTION EUR-12

INFO OCT-01 ISO-00 L-03 SCA-01 SCS-03 VO-03 CIAE-00
FBIE-00 INSE-00 NSAE-00 H-01 INR-07 DHA-02 EURE-00
SSO-00 INRE-00 /033 W
----- 066965 /53

O 201311Z DEC 76
FM AMEMBASSY SOFIA
TO SECSTATE WASHDC IMMEDIATE 2143

CONFIDENTIAL SOFIA 2678

E.O. 11652: GDS
TAGS: SHUM, CGEN, PFOR, BU (AREVA, RUMYANA AND YORDANKA)
SUBJECT: DEALING WITH POSSIBLE GOB ATTEMPTS TO LINK MAREVA AND
KHRISTOV CASES

REF: A) STATE 306046, B) SOFIA 2639, C) SOFIA 0430, D) SOFIA 2667

1. ON BASIS INFORMATION OBTAINED BY DEPT FROM MAREV
(REF A), WE JUDGE IT VERY LIKELY THAT MINISTRY OF INTERIOR
(MOI) WILL FIGHT THIS CASE TO THE BITTER END. THEREFORE,
IT WILL PROBABLY BE NECESSARY TO CARRY THE MAREV
CASE TO THE TOP; AND WE ARE PREPARED TO DO SO--BUT WILL NEED
TO BE ABLE TO MAKE THE BEST POSSIBLE CASE AND TO REBUT
POSSIBLE COUNTER-ARGUMENTS.

2. IN THIS CONNECTION WE ARE CONCERNED BY A COUNTER-PLAY
THAT THE BULGARIANS CAN USE, TO WHICH THEY HAVE ALREADY
REFERRED AS PER REF B--THAT THERE IS A BULGARIAN CHILD IN
THE US WHO WAS LEFT THERE BY HIS PARENTS AND WHOSE RETURN
WE ARE NOT FACILITATING, I.E. THE KHRISTOV CASE. THERE
IS, OF COURSE, NO VALID PARALLEL BETWEEN THE MAREV AND
KHRISTOV CASES. IN THE CASE OF THE MAREV CHILDREN NOBODY
HAS YET CLAIMED THAT THEY ARE UNWILLING TO GO TO AMERICA
TO JOIN THEIR PARENTS, WHEREAS IN THE KHRISTOV CASE IT IS
CLEAR THAT THE BOY DOES NOT WISH TO RETURN TO BULGARIA.

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HOWEVER, IF THE GOB PRESSES THE KHRISTOV CASE FOR TACTICAL
REASONS, WE COULD BE IN A DIFFICULT POSITION BECAUSE OF
ONE ELEMENT TO WHICH WE DREW ATTENTION IN REF C LAST FEBRUARY.

3. DEPT WILL RECALL THAT GOB AT THAT TIME COMPLAINED THAT
THE TERMS UNDER WHICH THE COURT WOULD GIVE ACCESS TO THE

KHRISTOV CHILD WERE "DEMEANING" TO BULGARIA, BECAUSE THEY EXCLUDED PRIVATE CONVERSATION WITHOUT THE PRESENCE OF COURT-APPOINTED GUARDIAN (WHO PRESUMABLY IS NOT EAGER TO FACILITATE RETURN OF THE CHILD TO BULGARIA.). WE PROPOSED AT THAT TIME THAT DEPT URGE CALIFORNIA AUTHORITIES THAT BULGARIAN EMBOFF BE ALLOWED TO INTERVIEW KHRISTOV PRIVATELY, BUT HAVE HEARD NOTHING ABOUT THIS SINCE.

4. WE ARE MINDFUL THAT THE GOB COULD EASILY "PROGRAM" THE MAREV CHILDREN TO SAY THAT THEY DON'T WANT TO JOIN THEIR PARENTS; BUT DEPT SHOULD ALSO BE AWARE THAT SUCH A STATEMENT BY THE MAREV CHILDREN WOULD HAVE SOME INHERENT PLAUSIBILITY SINCE THEY WERE ONE AND THREE YEARS OLD RESPECTIVELY WHEN THEY LAST SAW THEIR PARENTS NINE YEARS AGO.

5. CHARGE WAS UNABLE TO SEE CHERNEV LAST WEEK (WE WERE TOLD HE WAS TIED UP WITH VISITING DELEGATIONS), THUS WE ARE REQUESTING APPOINTMENT FOR AMBASSADOR WITH VICE MINISTER TSVETKOV, WHICH WE EXPECT WILL COME THROUGH IN A DAY OR SO. REGRET WE DID NOT SEND REF D AS IMMEDIATE, BUT WOULD GREATLY APPRECIATE COMMENT ON LEGAL POINTS RAISED THEREIN ASAP.

6. WITH REGARD TO APPEAL PROCESS (REF A, PARA 7), WE ARE INCLINED AGAINST IT FOR FOLLOWING REASONS: (A) TO DEGREE THAT GOB AT SOME POINT WILL WANT A "FACE-SAVING" OUT, IT CAN AT ANY TIME SAY IT HAS REVIEWED CASE AND MADE A NEW DECISION. BUT WE SHOULD BEAR IN MIND PRECEDENT OF COLLINS CASE (IN WHICH CULPRIT ALSO WAS MINISTRY OF INTERIOR); AFTER ENOUGH PRESSURE GOB SIMPLY ISSUED DOCUMENTATION AND SAID CONFIDENTIAL

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NOTHING AT ALL. (B) FORMAL APPEAL WILL INVOLVE MAREV GOING TO BULGARIAN EMBASSY, FILLING OUT WHATEVER FORMS MAY BE REQUIRED, POSSIBLY BEING TOLD FORMS INCORRECTLY OR INCOMPLETELY FILLED OUT, ETC. IN SHORT TOO MANY OCCASIONS FOR DELAY. (C) WITH APPEAL IN PROCESS, GOB MIGHT ATTEMPT TO SANDBAG US BY REFUSING TO DISCUSS CASE UNTIL APPEAL DECIDED.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PROGRESS REPORTS, EXIT PERMITS, DEPENDENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976SOFIA02678
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760466-0811
From: SOFIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761228/aaaaaxpz.tel
Line Count: 104
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 306046, 76 SOFIA 2639, 76 SOFIA 430, 76 SOFIA 2667
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 08 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 APR 2004 by greeneet>; APPROVED <09 AUG 2004 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DEALING WITH POSSIBLE GOB ATTEMPTS TO LINK MAREVA AND KHRISTOV CASES
TAGS: SHUM, CGEN, PFOR, BU, US, (MAREVA, RUMYANA), (MAREVA, YORDANKA)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006